

Court of Appeals, State of Michigan

ORDER

Schupan & Sons Inc v Charter Township of Milford

Docket No. 287836

LC No. 2007-082107-CK

Patrick M. Meter
Presiding Judge

E. Thomas Fitzgerald

Kirsten Frank Kelly
Judges

The Court orders that the motion to file a reply brief is GRANTED and the brief filed with the motion is accepted.

The Court, acting under MCR 7.203(F)(2), orders that:

The motion for reconsideration of the December 16, 2008 order dismissing the claim of appeal for lack of jurisdiction is DENIED. Appellants have failed to show any error in this Court's reliance on the dispositive case law holding that an order reflecting a dismissal based on the stipulation of the parties is not a final order appealable of right. *Detroit v Michigan*, 262 Mich App 542, 545; 686 NW2d 514 (2004); *Wickings v Arctic Enterprises, Inc*, 244 Mich App 125, 134-136; 624 NW2d 197 (2000). Thus, the September 4, 2008 circuit court order was not a final order. Further, contrary to the implication of appellants' argument, the contents of the September 18, 2008 order could not transform the September 4, 2008 order into a final order appealable of right.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 17 2009

Date

Sandra Schultz Mengel
Chief Clerk